

REMARKS

The final Office Action mailed July 31, 2003, has been reviewed and the Examiner's comments carefully considered. Claims 19, 20, 23-25, 29, 30, and 34-36 have been amended. Claims 37 and 38 have been added. Claims 19-38 are pending and are submitted for reconsideration.

Drawing Objections

Applicants acknowledge with appreciation the Examiner's withdrawal of the objection to the drawings, which is summarized in the Interview Summary dated September 29, 2003.

35 U.S.C. § 112 Rejections

Claims 19-36 are rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Of these, claims 19 and 34-36 are independent.

With respect to claim 19, the Office Action asserts that there is no support in the specification for each cavity of the removable plate holding a volume of ten to thirty nanoliters. Applicants respectfully disagree. As disclosed by way of example in the specification at page 18, line 36 to page 19, line 3, a second micropipette fills each cavity with, for example, ten nanoliters of constituent. When a cavity contains three constituents, the overall volume of the three constituents is, for example, thirty nanoliters. (Specification at page 19, lines 34-36.) Additionally, as disclosed in the specification at page 7, lines 30-35, the volume of the cavity can be, for example, on the order of sixty nanoliters. Claim 19 has been amended to reflect the above-mentioned disclosure by replacing "ten to thirty nanoliters" with "ten to sixty nanoliters." Claims 34-36 have been similarly amended. Reconsideration and withdrawal of the rejection of claims 19 and 34-36 and claims 20-33, which depend from claim 19, is respectfully requested.

With respect to claim 20, the Office Action asserts that the specification does not provide support for a stepper or DC motor advancing the piezoelectric micropipette.

Applicants respectfully disagree. The specification at page 12, lines 14-24 discloses displacing the micropipette relative to the sample plate with a stepper or DC motor. Similarly, the specification at page 9, line 30 to page 10, line 22 discloses displacing the sample plate relative to the micropipette. Accordingly, claim 20 has been broken into two claims—amended claim 20, which recites displacement of the micropipette, and new claim 37, which recites displacement of the sample plate. Additionally, new claim 38 has been added, which finds support in original claim 1 and in the specification at page 9, line 30 to page 10, line 22. Reconsideration and withdrawal of the rejection of claim 20 is respectfully requested.

Claims 23 and 35 are rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the enablement requirement because the specification does not explain the term “laser carpet.” Claims 23 and 35 have been amended to delete “laser carpet.” The amendment of claims 23 and 35 is supported by original claim 8, which mentions a laser carpet only as an example of an optical system. Reconsideration and withdrawal of the rejection of claims 23 and 35 is respectfully requested.

Claim 29 is rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the enablement requirement because the specification does not explain the term “suckers.” In accordance with the specification at page 13, lines 30-36, claim 29 has been amended to replace “suckers” with “an automatic system configured to remove and fit a cover.” Reconsideration and withdrawal of the rejection of claim 29 is respectfully requested.

Claim 23 is rejected under 35 U.S.C. § 112, second paragraph because the term “so that an order” renders the claim indefinite. In accordance with the specification at page 12, line 36 to page 13, line 12, claim 23 has been amended to more clearly reflect the ability of the coordination device to send an order to the micropipette to deliver additional drops to a cavity. Claim 35 has been similarly amended. Reconsideration and withdrawal of the rejection of claim 23 is respectfully requested.

Applicants submit that any additional amendments to the claims do not change the scope of the claims and were not done in response to a patentability rejection.

Conclusion

In view of the foregoing amendments and remarks, Applicants believe the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. If there are any questions regarding the prosecution of this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

Date: Dec. 29, 2003

By: Stephen B. Maebius

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35, 264

SHOULD ADDITIONAL FEES BE NECESSARY IN CONNECTION WITH THE FILING OF THIS PAPER, OR IF A PETITION FOR EXTENSION OF TIME IS REQUIRED FOR TIMELY ACCEPTANCE OF SAME, THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE DEPOSIT ACCOUNT NO. 19-0741 FOR ANY SUCH FEES; AND APPLICANT(S) HEREBY PETITION FOR ANY NEEDED EXTENSION OF TIME.